

EXHIBIT 110

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA, :
et al., :
Plaintiffs :
v. : No. 1:23-cv-00108
GOOGLE, LLC, :
Defendants. :

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Monday, August 21, 2023

Video Deposition of CHRISTOPHER KOEPKE,
taken at the Law Offices of Paul, Weiss,
Rifkind, Wharton & Garrison LLP, 2001 K St NW,
Washington, DC, beginning at 9:35 a.m. Eastern
Standard Time, before Ryan K. Black, Registered
Professional Reporter, Certified Livenote
Reporter and Notary Public in and for the
District of Columbia

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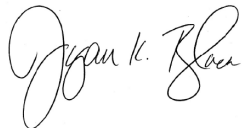
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<p>1 APPEARANCES:</p> <p>2</p> <p>3 UNITED STATES DEPARTMENT OF JUSTICE</p> <p>4 ANTITRUST DIVISION</p> <p>5 BY: KATHERINE CLEMONS, ESQ.</p> <p>6 VICTOR LIU, ESQ.</p> <p>7 ALVIN CHU, ESQ.</p> <p>8 MARK SOSNOWSKY, ESQ. - Via Zoom</p> <p>9 450 5th Street, N.W.</p> <p>10 Washington, DC 20530</p> <p>11 202.514.2414</p> <p>12 katherine.clemons@usdoj.gov</p> <p>13 victor.liu@usdoj.gov</p> <p>14 alvin.chu@usdoj.gov</p> <p>15 mark.sosnowsky@usdoj.gov</p> <p>16 Representing - The United States of America</p> <p>17</p> <p>18 PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP,</p> <p>19 BY: MARTHA L. GOODMAN, ESQ.</p> <p>20 HEATHER C. MILLIGAN, ESQ.</p> <p>21 2001 K St NW,</p> <p>22 Washington, DC</p> <p>23 202.223.7341</p> <p>24 mgoodman@paulweiss.com</p> <p>25 hmilligan@paulweiss.com</p> <p>26 Representing - Google LLC</p> <p>27</p> <p>28 ALSO PRESENT:</p> <p>29 Orson Braithwaite - Legal Videographer</p> <p>30 Kenneth Whitley - Department of Health and Human</p> <p>31 Services</p>	<p>1 THE VIDEOGRAPHER: Good morning. We are</p> <p>2 going on the record at 9:35 a.m. on August 21st,</p> <p>3 2023. Please note that the microphones are</p> <p>4 sensitive and may pick up whispering and private</p> <p>5 conversations. Please mute your phones at this</p> <p>6 time. Audio and video recording will continue to</p> <p>7 take place unless all parties agree to go off the</p> <p>8 record.</p> <p>9 This is Media Unit 1 of the</p> <p>10 video-recorded deposition of Mr. Christopher</p> <p>11 Koepke in the matter of United States, et al.,</p> <p>12 versus Google, LLC, filed in the United States</p> <p>13 District Court Eastern District of Virginia</p> <p>14 Alexandria Division, Case Number</p> <p>15 1:23-cv-00108-LMB-JFA.</p> <p>16 My name is Orson Braithwaite,</p> <p>17 representing Veritext Legal Solutions, and I'm</p> <p>18 the videographer. The court reporter is Ryan</p> <p>19 Black, from the firm Veritext Legal Solutions.</p> <p>20 Counsel will now state their appearances</p> <p>21 and affiliations for the record.</p> <p>22 MS. GOODMAN: Martha Goodman, from Paul</p> <p>23 Weiss, on behalf of Google LLC.</p> <p>24 MS. MILLIGAN: Heather Milligan, also on</p> <p>25 behalf of Paul Weiss, for Google.</p>
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<p>1 INDEX</p> <p>2 TESTIMONY OF: CHRISTOPHER KOEPKE PAGE</p> <p>3 By Ms. Goodman.....6</p> <p>4 EXHIBITS</p> <p>5 EXHIBIT DESCRIPTION PAGE</p> <p>6 Exhibit 65 a document Bates Numbered</p> <p>7 CMS-ADS-11906 through 11974...117</p> <p>8 Exhibit 66 a document Bates Numbered</p> <p>9 CMS-ADS-23248 through 23337...136</p> <p>10 Exhibit 67 a document Bates Numbered</p> <p>11 CMS-ADS-59892 through 59893...151</p> <p>12 Exhibit 68 a document Bates Numbered</p> <p>13 CMS-ADS-593107 through 593110...167</p> <p>14 Exhibit 69 a document Bates Numbered</p> <p>15 CMS-ADS-183807 through 183811...181</p> <p>16 Exhibit 70 a document Bates Numbered</p> <p>17 CMS-ADS-529199 through 529200...190</p> <p>18 Exhibit 71 a document Bates Numbered</p> <p>19 CMS-ADS-189390.....251</p> <p>20 Exhibit 72 a document Bates Numbered</p> <p>21 CMS-ADS-64968 through 64971....258</p> <p>22 Exhibit 73 a document Bates Numbered</p> <p>23 CMS-ADS-440295.....265</p> <p>24 Exhibit 74 a document Bates Numbered</p> <p>25 CMS-ADS-531032 through 531072...268</p> <p>26 Exhibit 75 a document Bates Numbered</p> <p>27 CMS-ADS-569654 through 569667...273</p>	<p>1 MS. CLEMONS: Katherine Clemons, with</p> <p>2 the Department of Justice, on behalf of the</p> <p>3 United States of America, CMS and the witness.</p> <p>4 MR. LIU: Victor Liu, also with the</p> <p>5 Department of Justice, on behalf of the United</p> <p>6 States and CMS.</p> <p>7 MR. CHU: Alvin Chu, on behalf of United</p> <p>8 States.</p> <p>9 MR. WHITLEY: Kenneth Whitley, Office of</p> <p>10 General Counsel, Department of Health and Human</p> <p>11 Services.</p> <p>12 MS. GOODMAN: And could the folks</p> <p>13 attending remotely please state your presence?</p> <p>14 MR. SOSNOWSKY: Mark Sosnowsky,</p> <p>15 Department of Justice, and I will be in and out</p> <p>16 of this deposition remotely. So if you lose me,</p> <p>17 please don't -- you can continue.</p> <p>18 THE VIDEOGRAPHER: Thank you.</p> <p>19 Would the court reporter please swear in</p> <p>20 the witness?</p> <p>21 * * *</p> <p>22 Whereupon --</p> <p>23 CHRISTOPHER KOEPKE,</p> <p>24 called to testify, having been first duly sworn</p> <p>25 or affirmed, was examined and testified as</p>

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<p style="text-align: right;">Page 146</p> <p>1 use another term, the Mixed Media Model, showing</p> <p>2 improved efficacy with Google Display Ads than</p> <p>3 the models conducted six, seven, eight years ago?</p> <p>4 MS. CLEMONS: Objection; form.</p> <p>5 Foundation.</p> <p>6 THE WITNESS: To the best of my memory,</p> <p>7 I would say that.</p> <p>8 BY MS. GOODMAN:</p> <p>9 Q. Okay. How about with respect to other</p> <p>10 providers of display advertisements that CMS</p> <p>11 uses? Is the model showing increased efficacy</p> <p>12 of other providers over the time period we're</p> <p>13 discussing?</p> <p>14 MS. CLEMONS: Objection; form.</p> <p>15 Foundation.</p> <p>16 THE WITNESS: I would say -- I think the</p> <p>17 simple answer is I don't know.</p> <p>18 BY MS. GOODMAN:</p> <p>19 Q. Okay. Can you turn to page ending in</p> <p>20 261? Under OE10 Base Task 1, the last sentence</p> <p>21 of the paragraph reads, "Performance channels</p> <p>22 like display and social media will be optimized</p> <p>23 in realtime to drive email signup and enrollment</p> <p>24 conversions." Do you see that?</p> <p>25 A. I do.</p>	<p style="text-align: right;">Page 148</p> <p>1 Q. Okay. And then in the middle of</p> <p>2 paragraph it states, "We will continue to partner</p> <p>3 with Google where we have continuously seen</p> <p>4 efficient engagement and reach among individuals</p> <p>5 who are in the market for health insurance."</p> <p>6 What do you understand that sentence to mean in</p> <p>7 your capacity as the director of the Strategic</p> <p>8 Marketing Group?</p> <p>9 MS. CLEMONS: Objection; foundation.</p> <p>10 Form.</p> <p>11 THE WITNESS: That CMS will work with</p> <p>12 Weber Shandwick to purchase display services from</p> <p>13 Google in the next Open Enrollment period.</p> <p>14 BY MS. GOODMAN:</p> <p>15 Q. And what connection, if any, does that</p> <p>16 have to this efficient engagement that Weber</p> <p>17 Shandwick has continuously seen with Google?</p> <p>18 MS. CLEMONS: Objection; foundation.</p> <p>19 THE WITNESS: In this case, we would</p> <p>20 have to talk to the person who wrote the proposal</p> <p>21 to get their full understanding of that.</p> <p>22 BY MS. GOODMAN:</p> <p>23 Q. In your experience, has CMS continuously</p> <p>24 seen efficient engagement and reach using Google</p> <p>25 products or services?</p>
<p style="text-align: right;">Page 147</p> <p>1 Q. Okay. What do you understand that</p> <p>2 sentence to mean?</p> <p>3 MS. CLEMONS: Objection; foundation.</p> <p>4 THE WITNESS: I didn't write the</p> <p>5 sentence. But if I used the sentence, I would</p> <p>6 mean it to mean, as we've already talked about</p> <p>7 optimization, as you -- maybe we'll talk about it</p> <p>8 again -- that channels like display, like display</p> <p>9 and social media, so not only display and social</p> <p>10 media, will be optimized in realtime to drive two</p> <p>11 of our main goals, which is email signup or</p> <p>12 enrollment conversions.</p> <p>13 BY MS. GOODMAN:</p> <p>14 Q. And is an example of realtime</p> <p>15 optimization moving money between display and</p> <p>16 social media channels?</p> <p>17 MS. CLEMONS: Objection; form.</p> <p>18 Foundation.</p> <p>19 THE WITNESS: It could be.</p> <p>20 BY MS. GOODMAN:</p> <p>21 Q. Okay. Can you turn to Page 264?</p> <p>22 Under the Channel and Placement Overview</p> <p>23 section on this page, five paragraphs down begins</p> <p>24 Display Media. Do you see where I am?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 149</p> <p>1 MS. CLEMONS: Objection to form.</p> <p>2 THE WITNESS: I would say we have seen</p> <p>3 significant reach, and we -- I don't generally</p> <p>4 use the term "efficient engagement," so I would</p> <p>5 not say that.</p> <p>6 BY MS. GOODMAN:</p> <p>7 Q. What term would you use instead of</p> <p>8 "efficient engagement"?</p> <p>9 MS. CLEMONS: Objection to form.</p> <p>10 Foundation.</p> <p>11 THE WITNESS: I'd have to understand</p> <p>12 what they mean by "efficient engagement" in order</p> <p>13 to say what term I would use for that.</p> <p>14 BY MS. GOODMAN:</p> <p>15 Q. Okay. So do you have an un -- any</p> <p>16 understanding of what "efficient engagement"</p> <p>17 means in this sentence?</p> <p>18 A. It would be purely conjectural on my</p> <p>19 part.</p> <p>20 Q. Okay. Can you turn to Page ending in</p> <p>21 269?</p> <p>22 A. Yes.</p> <p>23 Q. In the paragraph under Driving Media</p> <p>24 Value and Savings, the author states that "They</p> <p>25 will work closely with Magna, the centralized</p>

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<p style="text-align: right;">Page 290</p> <p>1 deposition is over and that Google does not have</p> <p>2 grounds to hold the deposition open.</p> <p>3 MS. GOODMAN: Okay. Thank you for your</p> <p>4 time, Mr. Koepke.</p> <p>5 THE WITNESS: It was my pleasure. This</p> <p>6 was fun.</p> <p>7 THE VIDEOGRAPHER: Time is 6:23 p.m.</p> <p>8 We're off the record.</p> <p>9 (Deposition concluded -- 6:23 p.m.)</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 292</p> <p>1 Katherine Clemons Esq</p> <p>2 Katherine.clemons@usdoj.gov</p> <p>3 August 22nd, 2023</p> <p>4 RE: United States, Et Al v. Google, LLC</p> <p>5 8/21/2023, Christopher Koepke (#6043164)</p> <p>6 The above-referenced transcript is available for</p> <p>7 review.</p> <p>8 Within the applicable timeframe, the witness should</p> <p>9 read the testimony to verify its accuracy. If there are</p> <p>10 any changes, the witness should note those with the</p> <p>11 reason, on the attached Errata Sheet.</p> <p>12 The witness should sign the Acknowledgment of</p> <p>13 Deponent and Errata and return to the deposing attorney.</p> <p>14 Copies should be sent to all counsel, and to Veritext at</p> <p>15 (erratas-cs@veritext.com).</p> <p>16</p> <p>17 Return completed errata within 30 days from</p> <p>18 receipt of testimony.</p> <p>19 If the witness fails to do so within the time</p> <p>20 allotted, the transcript may be used as if signed.</p> <p>21</p> <p>22 Yours,</p> <p>23 Veritext Legal Solutions</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 291</p> <p>1 CERTIFICATE</p> <p>2</p> <p>3 I do hereby certify that I am a Notary</p> <p>4 Public in good standing, that the aforesaid</p> <p>5 testimony was taken before me, pursuant to</p> <p>6 notice, at the time and place indicated; that</p> <p>7 said deponent was by me duly sworn to tell the</p> <p>8 truth, the whole truth, and nothing but the</p> <p>9 truth; that the testimony of said deponent was</p> <p>10 correctly recorded in machine shorthand by me and</p> <p>11 thereafter transcribed under my supervision with</p> <p>12 computer-aided transcription; that the deposition</p> <p>13 is a true and correct record of the testimony</p> <p>14 given by the witness; and that I am neither of</p> <p>15 counsel nor kin to any party in said action, nor</p> <p>16 interested in the outcome thereof.</p> <p>17</p> <p>18 WITNESS my hand and official seal this</p> <p>19 22nd day of</p> <p>20 </p> <p>21</p> <p>22 Notary Public</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 293</p> <p>1 United States, Et Al v. Google, LLC</p> <p>2 Christopher Koepke (#6043164)</p> <p>3 E R R A T A S H E E T</p> <p>4 PAGE____ LINE____ CHANGE____</p> <p>5 _____</p> <p>6 REASON_____</p> <p>7 PAGE____ LINE____ CHANGE____</p> <p>8 _____</p> <p>9 REASON_____</p> <p>10 PAGE____ LINE____ CHANGE____</p> <p>11 _____</p> <p>12 REASON_____</p> <p>13 PAGE____ LINE____ CHANGE____</p> <p>14 _____</p> <p>15 REASON_____</p> <p>16 PAGE____ LINE____ CHANGE____</p> <p>17 _____</p> <p>18 REASON_____</p> <p>19 PAGE____ LINE____ CHANGE____</p> <p>20 _____</p> <p>21 REASON_____</p> <p>22 _____</p> <p>23 _____</p> <p>24 Christopher Koepke Date _____</p> <p>25</p>

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